


COUNTY OF YORK

MEMORANDUM

DATE: August 3, 2006 (BOS Mtg. 8/15/06)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator 

SUBJECT: Natural Hazards Mitigation Plan

As the Board will recall from the February 7, 2006 work session briefing, the federal Disaster Mitigation Act of 2000 requires localities to adopt a hazard mitigation plan in order to continue to be eligible for pre- and post-disaster hazard mitigation funding from the Federal Emergency Management Agency (FEMA). In order to address this mandate, York County has been working with James City County and the cities of Hampton, Newport News, and Williamsburg to develop a regional hazard mitigation plan. The five participating localities retained a consultant (AMEC Earth & Environmental) to facilitate the development of the plan and formed a staff-level Peninsula Hazard Mitigation Planning Committee (PHMPC) to manage the process.

The result of this effort was the preparation of the draft Peninsula Multi-Jurisdictional Natural Hazards Mitigation Plan. It includes a Hazard Identification and Risk Analysis for the region as well as community-specific profiles for each of the five participating localities. The plan also includes a series of hazard mitigation goals and objectives that were identified by the PHMPC with guidance from the consultant, as well as specific mitigation recommendations (i.e., action items) for achieving these goals and objectives. Whereas the plan goals and objectives apply to the entire region, the mitigation recommendations for each locality were developed and prioritized by that locality's committee. As such, the plan is both a mitigation plan for the region as a whole and an individualized mitigation plan for each participating locality.

Throughout the development of the plan, a total of nine (9) public meetings were conducted in the participating localities to give citizens an opportunity to learn about the project and provide their input. Two of the public meetings were held in York County. In addition, the consultant briefed the Comprehensive Plan Review Steering Committee on the project at one of its public meetings.

As was discussed at the February 7th work session briefing, the draft plan has been submitted to and reviewed by the Virginia Department of Emergency Management (VDEM) and the Federal Emergency Management Agency (FEMA) and both agencies now have indicated that it appears to meet the applicable requirements. The plan must now go through a public hearing process within each jurisdiction and then be considered for adoption by each of the local governing bodies.

During the February 7th work session briefing and discussion, the Board had several questions and concerns about the implications and effects of some of the "action item" recommendations for York County. It should be noted that the introduction to the Mitiga-

tion Recommendations section of the proposed Plan (section 6.3 of the document) indicates that the fact that an action item is listed does “not imply that the community must complete each action.” As was noted at the time of the work session, many of the “Action Items” identified in the York County section of the Plan are things that the County already is doing in some form or another and the Action Item listing is simply intended to document that. Action Item Nos. 2 through 10 and No. 12 fall into this category, although there is room for program enhancements and operational efficiency improvements in some. Proposed Action Item No. 11, the Storm Ready Certification, is relatively easy to achieve and the Department of Fire and Life Safety is already pursuing that designation. The remaining two Action Items – Nos. 1 and 13 – were the subject of most of the February 7th discussion and, therefore, are addressed in greater detail below.

- Recommended Action Item #1: Revise floodplain management ordinance to: 1) adopt cumulative substantial improvement rule; and, 2) adopt two feet of freeboard above the Base Flood Elevation. Additions/renovations within a ten-year time frame that cumulatively equal 50 percent of a structure's appraised value trigger compliance with the ordinance's elevation requirements.

Comment: These potential action items relate to the requirements in the FMA-Floodplain Management Area Overlay District (Section 24.1-373) of the Zoning Ordinance. The current ordinance provisions meet, but do not exceed, the FEMA minimums for continuing the County's eligibility in National Flood Insurance Program. Implementation of either or both of these suggestions would provide more than the minimum required level of risk reduction for structures located in flood hazard areas and would help to further minimize the possibility of substantial damage in a severe flood event.

The “cumulative substantial improvement” recommendation would ensure that structures that are improved incrementally are eventually elevated out of flooding peril. It is staff's understanding that the state may be considering this as a potential change in the Uniform Statewide Building Code provisions, so local consideration may become moot. As to the 2-foot freeboard elevation option, the terms of Section 24.1-373 already “strongly recommend” that new construction be built to exceed flood level by 1.5 feet. The thought behind this proposal is that it could have substantial benefits in terms of damage avoidance at relatively minimal cost when done as part of the original construction (i.e., by adding an extra three (3) courses of concrete block to a foundation). Additionally, the extra elevation could result in lower flood insurance premiums for the structure. Nevertheless, it would represent an added cost to property owners and, as such, would certainly warrant careful consideration by the Board.

As with any change in the Zoning Ordinance, any proposed amendments would be subjected to public hearing and deliberations by both the Planning Commission and Board of Supervisors. In retrospect, the wording of Action Item #1 does not clearly articulate that its intent was simply to suggest that these two potential changes are worthy of further discussion and consideration. Therefore, it is recommended that the introductory section of Action Item #1 be revised to read as follows:

Recommended Action Item #1: Consider and evaluate measures that could help reduce the risk of flooding to new and renovated structures. Potential changes to the County's floodplain management ordinance to address this objective might include:

- 1) adoption of a cumulative substantial improvement rule under which additions/renovations within a ten-year time frame that cumulatively equal 50 percent of a structure's appraised value would trigger a requirement to elevate the existing structure; and/or,
- 2) adoption of a two-foot freeboard above the Base Flood Elevation standard for any new or substantially improved structure.

Furthermore, it is recommended that the Schedule section of Action Item #1 be revised to read as follows:

Schedule: Consideration and evaluation of options and alternatives by the Board of Supervisors should occur within five (5) years.

- **Recommended Action Item #13:** Elevate flood-prone homes/reduce repetitive flood losses.

Comment: Action Item #13 addresses the opportunities for grant funding to assist property owners in elevating their flood-prone structures, particularly those that have experienced repetitive losses in multiple storm events. Unfortunately, the relatively brief wording of the action statement leaves some doubt as to the objective and intent.

As the Board may recall, subsequent to Hurricane Isabel, staff worked with approximately 20 property owners to develop a grant application seeking post-disaster federal and state funding to assist those owners in elevating their flood damaged homes above the 100-year flood level, with the proviso that the participating property owners would be responsible for the "local match" portion of the grant. Unfortunately, the grant request was not approved because the properties were deemed by the State and FEMA to not have been severely enough damaged to qualify for funding. However, the goal of seeking grant funding to assist property owners in elevating their structures remains appropriate and there will be additional opportunities afforded to communities to apply for both pre- and post-disaster funding that could, if awarded, be used for that purpose. The key point to be made with respect to this Action Item is that elevation of structures would not be mandatory. Instead, the objective would be to take advantage of future opportunities to apply for this type of grant funding on behalf of property owners interested in voluntarily elevating their structures and who are willing and able to fund their portion of any local match requirement. As such, the initiative would not represent a requirement for property owners nor a financial obligation/commitment for the County (other than such staff time as might be involved in preparation of grant applications).

Based on the above, it is recommended that the introductory statement for Action Item #13 be revised to read as follows:

Recommended Action Item #13: Pursue all available opportunities for pre- or post-disaster grant funding to assist property owners who voluntarily wish to elevate their structures above the base flood level in order to reduce risk and mitigate repetitive flood losses.

Recommendation

In accordance with the federal and state guidelines for hazard mitigation plans, the draft plan has been advertised for public hearing at the Board's August 15, 2006 meeting. Assuming there are no adverse public comments, and with the above-noted changes, I recommend that the Board approve the plan through the adoption of proposed Resolution No. R06-96.

Carter/3337

Attachments:

- Draft Peninsula Multi-Jurisdictional Natural Hazards Mitigation Plan, dated January 2006 (see particularly, Section Nos. 5.5, 6.0 and 6.3.5)
- Proposed Resolution No. R06-96